

Amendments to the Drawings:

In paragraph 1, the Office rejected the drawings for being improperly labeled. In particular, the Office requested that the elements of the device in FIG. 1 and the steps in the flow chart of FIG. 2 be identified.

In response applicant submits the attached replacement sheets identifying the elements of the device in FIG. 1 and the steps in the flow chart of FIG. 2.

Attachment: Replacement Sheets of FIGS. 1 and 2

Remarks

Claim 1 to 18 are pending in this application. Claim 3 has been amended. Claims 10 to 18 have been added. Claims 1 and 10 are the only claims in independent form.

In claims 10 to 18, the terms "desired value input quantity/ies" and "desired value" used in claims 1 to 9 have been replaced with the terms "desired quantity prescription(s)" and "desired quantity," respectively. The language of these new claims clarifies that for the adjustment of an output quantity of the drive unit a desired quantity is formed, for example, a desired torque (see claim 18). For such a desired quantity to form, a plurality of desired quantity prescriptions are provided, all of which have an allocated priority. Formation of the desired quantity involves the consideration of individual prescriptions in the sequence of their priorities.

From the specification as a whole and from, for example, the paragraph bridging page 7 and 8, and the first full paragraph on page 8, it is clear that, for example, the described "torque requests" represent "desired quantity prescriptions" and that, for example, the "desired torque" represents a "desired quantity."

In paragraphs 2 and 3, the Office rejected claims 1 to 9 under 35 U.S.C. §102(e) as being anticipated by United States Patent Publication US 20040098190 to Nakayama et al (hereinafter "Nakayama").

Nakayama is concerned with converting a plurality of output quantities of a vehicle, wherein the quantities have different

priorities. However, Nakayama does not provide any indication of the formation of a desired value/ quantity. However, claims 1 and 10 require, respectively:

"...forming a desired value [quantity]
which considers said desired value input
quantities [quantity prescriptions] in a
sequence of their priorities." (emphasis added).

(Note: In claim 10, the italicized term is replaced with the term in brackets)

As a formation of a desired quantity (desired value) that is considering desired quantity prescriptions (desired value input quantities) is not disclosed by Nakayama, Nakayama does not disclose all elements of the claimed invention as required for an anticipation rejection.

In paragraph 4, the Office rejected claims 1 to 9 under 35 U.S.C. §102(b) as being anticipated by United States Patent 6,394,063 to Volz et al (hereinafter "Volz").

Volz discloses an internal combustion engine which can be operated in multiple operation modes wherein a switchover from one into another operation mode is possible. The operation modes of the engine include a homogenous operation ("hom"), a stratified operation ("sch"), a homogeneous-stratified operation ("hos"), a stratified catalytic converter heating operation ("skh") and a homogeneous lean operation ("hmm"). Volz attributes to those operation modes different priorities and selects the one that has the highest priority. However, as outlined above, claims 1 and 10 require, respectively:

"...forming a desired value [quantity]
which considers said desired value input
quantities [quantity prescriptions] in a

sequence of their priorities." (emphasis added).

Nothing in Volz discloses or even indicates that such a desired quantity (desired value) is formed which considers the desired input quantity prescriptions (desired value input quantities). Accordingly, Volt does not disclose all the elements of the claimed invention as required for an anticipation rejection.

In paragraphs 5 and 6, the Office rejected claims 1 to 9 under 35 U.S.C. §103(a) as obvious over DE 100 16 649 to Gerhardt et al (hereinafter "Juergen") in view of United States Patent 6,539,915 to Wild et al (hereinafter "Wild").

In Juergen, at least one output quantity of the drive unit is adjusted in dependence upon prescriptions for a desired quantity. The desired quantity is formed from a plurality of prescriptions for a desired quantity. This formation takes place in the context of a coordination step. A characteristic quantity is allocated to an individual prescription for the formation of the desired quantity. This characteristic quantity can, for example, include the priorities of the desired quantity prescriptions. Such characteristics are, however, coordinated independent of the desired quantity prescriptions (desired value input quantities). Accordingly, as the Office noted, Juergen does not consider the desired value input quantities in a sequence of their priorities.

Wild discloses, similar to Volz, an internal combustion engine which can be operated in multiple operation modes wherein a switchover from one into another operation mode is possible. The

operation modes of the engine also include a homogenous operation ("hom"), a stratified operation ("sch"), a homogeneous-stratified operation ("hos"), a stratified catalytic converter heating operation ("skh") and a homogeneous lean operation ("hmm"). The coordination of the operation modes is made dependent on operation mode demands of different functions of the combustion engine. These functions include, for example, tank venting as well as diagnostic functions, but also functions which represent the operation modes themselves. The individual functions have an assigned priority wherein a high priority signals a high degree of readiness and a request for being run soon, respectively. Wild does not cure the deficiencies of Juergen. In particular, Wild does not disclose a formation of a desired quantity (desired value) as recited in claims 1 and 10, respectively:

"...forming a desired value [quantity]
which considers said desired value input
quantities [quantity prescriptions] in a
sequence of their priorities." (emphasis
added)."

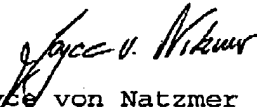
Thus, the combination of Juergen and Wild is deficient in that it does not teach or suggest all claim limitations as required for a prima facie case of obviousness (MPEP §2142). Applicant further submits that there is no suggestion or motivation, either in Juergen or Wild or in the knowledge generally available to one of ordinary skill in the art, to modify Juergen or Wild or to combine their teachings to arrive at the presently claimed invention. Finally, applicant submits that there is no reasonable expectation of success.

Accordingly, applicant has shown above that claim 1 as well as new claim 10 are not anticipated or made obvious by the cited

prior art. These claims should therefore be allowable. Claims 2 to 9 and 11 to 18, which are directly or indirectly dependent on claims 1 and 10, respectively, should therefore also be allowable.

Reconsideration of the application is respectfully requested.

Respectfully submitted,


Joyce von Natzmer
Reg. No. 48,120

Walter Ottesen
Patent Attorney
P.O. Box 4026
Gaithersburg, Maryland 20885-4026

Phone: (301) 869-8950

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